

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

LBS INNOVATIONS, LLC,

Plaintiff,

v.

APPLE INC.,

Defendant.

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Case No. 2:19-cv- 00119-JRG

Jury Trial Demanded

THIRD AMENDED DOCKET CONTROL ORDER

Pending before the Court is Plaintiff's Unopposed Motion for entry of an Amended Docket Control Order to extend certain deadlines. Good cause appearing, the motion is hereby **GRANTED**. The following deadlines are now in effect until further order of the Court.

Previous Deadline	New Deadline	Event
September 14, 2020	December 7, 2020	*Jury Selection – 9:00 a.m. in Marshall, Texas
August 17, 2020	November 9, 2020	*Pretrial Conference – 9:00am in Marshall, Texas before Judge Roy Payne
August 3, 2020	October 26, 2020	*Notify Deputy Clerk in Charge regarding the date and time by which juror questionnaires shall be presented to accompany by jury summons if the Parties desire to avail themselves the benefit of using juror questionnaires ¹

¹The Parties are referred to the Court's Standing Order Regarding Use of Juror Questionnaires in Advance of *Voir Dire*.

Previous Deadline	New Deadline	Event
August 3, 2020	October 26, 2020	<p>*Notify Court of Agreements Reached During Meet and Confer</p> <p>The parties are ordered to meet and confer on any outstanding objections or motions <i>in limine</i>. The parties shall advise the Court of any agreements reached no later than 1:00 p.m. three (3) business days before the pretrial conference.</p>
August 3, 2020	October 26, 2020	*File Joint Pretrial Order, Joint Proposed Jury Instructions, Joint Proposed Verdict Form, Responses to Motions <i>in Limine</i> , Updated Exhibit Lists, Updated Witness Lists, and Updated Deposition Designations
July 27, 2020	October 20, 2020	<p>*File Notice of Request for Daily Transcript or Real Time Reporting.</p> <p>If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file a notice with the Court and e-mail the Court Reporter, Shelly Holmes, at shelly_holmes@txed.uscourts.gov.</p>
July 22, 2020	October 14, 2020	<p>File Motions <i>in Limine</i></p> <p>The parties shall limit their motions <i>in limine</i> to issues that if improperly introduced at trial would be so prejudicial that the Court could not alleviate the prejudice by giving appropriate instructions to the jury.</p>
July 22, 2020	October 14, 2020	Serve Objections to Rebuttal Pretrial Disclosures
July 8, 2020	October 1, 2020	Serve Objections to Pretrial Disclosures; and Serve Rebuttal Pretrial Disclosures
July 1, 2020	September 24, 2020	Serve Pretrial Disclosures (Witness List, Deposition Designations, and Exhibit List) by the Party with the Burden of Proof

Previous Deadline	New Deadline	Event
June 22, 2020	September 15, 2020	*Response to Dispositive Motions (including <i>Daubert</i> Motions). Responses to dispositive motions that were filed <u>prior</u> to the dispositive motion deadline, including <i>Daubert</i> Motions, shall be due in accordance with Local Rule CV-7(e), not to exceed the deadline as set forth in this Docket Control Order. ² Motions for Summary Judgment shall comply with Local Rule CV-56.
June 8, 2020	September 1, 2020	*File Motions to Strike Expert Testimony (including <i>Daubert</i> Motions) No motion to strike expert testimony (including a <i>Daubert</i> motion) may be filed after this date without leave of the Court.
June 8, 2020	September 1, 2020	*File Dispositive Motions No dispositive motion may be filed after this date without leave of the Court. <u>Motions shall comply with Local Rule CV-56 and Local Rule CV-7. <i>Motions to extend page limits will only be granted in exceptional circumstances. Exceptional circumstances require more than agreement among the parties.</i></u>
June 8, 2020	September 1, 2020	Deadline to Complete Expert Discovery
May 20, 2020	August 12, 2020	Serve Disclosures for Rebuttal Expert Witnesses
April 29, 2020	July 22, 2020	Deadline to Complete Fact Discovery and File Motions to Compel Discovery
April 29, 2020	July 22, 2020	Serve Disclosures for Expert Witnesses by the Party with the Burden of Proof

²The parties are directed to Local Rule CV-7(d), which provides in part that “[a] party’s failure to oppose a motion in the manner prescribed herein creates a presumption that the party does not controvert the facts set out by movant and has no evidence to offer in opposition to the motion.” If the deadline under Local Rule CV 7(e) exceeds the deadline for Response to Dispositive Motions, the deadline for Response to Dispositive Motions controls.

Previous Deadline	New Deadline	Event
April 14, 2020	June 26, 2020	Deadline to Complete Mediation The parties are responsible for ensuring that a mediation report is filed no later than 5 days after the conclusion of mediation.
April 1, 2020	No change	Comply with P.R. 3-7 (Opinion of Counsel Defenses)

(*) indicates a deadline that cannot be changed without showing good cause. Good cause is not shown merely by indicating that the parties agree that the deadline should be changed.

SIGNED this 7th day of April, 2020.


 ROY S. PAYNE
 UNITED STATES MAGISTRATE JUDGE